

DISTRICT OF COLUMBIA BOARD OF NURSING

WEDNESDAY, MAY 7, 2014

“The mission of the Board of Nursing is to safeguard the public’s health and well-being by assuring safe quality care in the District of Columbia. This is achieved through the regulation of nursing practice and education programs; and by the licensure, registration and continuing education of nursing personnel.”

BOARD OF NURSING MEMBERS	MEMBERS PRESENT
Chair: Cathy Borris-Hale, RN	P
Vice Chair: Sukhjit “Simmy” Randhawa, RN	P
Toni Eason, RN	P
Mary Ellen Husted, RN	P
Mary Ivey, Consumer	P
Vera Mayer, Consumer	P
Missy Moore, LPN	P
Chioma Nwachukwu, RN	P
Winslow Woodland, RN	P
Mamie Preston, RN	E
LPN Vacancy	

STAFF	STAFF PRESENT
Executive Director	
Karen Scipio-Skinner	P
Administrator	
Rikin Mehta	P
Nurse Consultants	
Bonita Jenkins	P
Felicia Stokes	P
Concheeta Wright	
Investigator	
Mark Donatelli	
Timothy Handy	
Board of Nursing Staff	
Angela Braxton	P
Melondy Franklin	
Diane Moorer	

**BOARD OF NURSING WORK SESSSION AGENDA
WEDNESDAY, MAY 7, 2014
8:30 AM – 9:30 AM**

CALL TO ORDER

The BON meeting was called to order by Cathy Borris-Hale, Chairperson 9:00 am

CONSENT AGENDA:

PLEASE NOTE: A board member may request to remove any or all of the following actions for further discussion.

ISSUE: March 5, 2014 Minutes

ACTION: Approved

Executive Session:

Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13), and Personnel matters pursuant to D.C. Official Code § 2-575(b)(10).

DISCIPLINE COMMITTEE REFERRALS: DISCIPLINARY ACTIONS

Due to the lack of a quorum the Discipline Committee is referring the following recommended actions for Board approval.

Tamicka Lewis, HHA

Violation: Professional Boundary Issue

Issue: Complaint from Maxim Health Agency that the patient's teenage brother reported sexual relations between himself and the HHA (Lewis). No evidence to support charges.

Motion: Approve application

Vote: **Approved**

Angela Pearce-Young, RN

Violation: Unsafe practice: Nurse voluntarily surrendered her license in MD for removing narcotic medications without a prescription.

Issue: Nurse offered voluntary surrender of DC license. Failed to respond.

Motion: NOI, (Suspend until MD license is unencumbered)

Vote: **Approved**

Allison Siebel, RN

Violation: Unsafe practice: Nurse voluntarily surrendered license in NC for exhibiting signs of impairment while working. Positive urine drug test for Fentanyl and Dilaudid.
Issue: Nurse offered voluntary surrender of DC license. Failed to respond.
Motion: NOI, (Suspend until NC license unencumbered)
Vote: **Approved**

Julie Udoh, RN

Violation: Fails to conform to standards of acceptable conduct
Issue: Nurse suspended in MD for failing to assess patient after her fall. Also failed to report fall.
Motion: NOI
Vote: **Approved**

Latoya Tate, LPN

Violation: Unsafe practice
Issue: COIN completed evaluation of licensee. COIN recommends reinstatement of license from suspended status to active.
Motion: Reinstate license
Vote: **Approved- Unanimous**

DISCIPLINE COMMITTEE REPORT:

Wendy Duncan, CNA

Violation: Fails to conform to standards of acceptable conduct
Issue: Applicant observed pushing a resident's wheelchair into a wall after the resident was observed hitting another resident.
Motion: Consent Order: Licensee must successfully complete in person course on patient abuse. Once completed reinstate certification
Quarterly supervisory reports for one year
Vote: **Approved - Unanimous**

ISSUES DISCUSSED

ISSUE: Committee Composition

Education/Practice Committee

Chair: **Dr. Toni Eason**
Member: Mamie Preston
Mary Ellen Husted
Dr. Mary Ivey
Dr. Simmy Randhawa
Staff: Dr. Bonita Jenkins

Regulation Committee

Chair: **Winslow Wooden**
Member: Missy Moore
Dr. Chioma Nwachukwu
Vera Mayer

Staff: Cathy Borris- Hale
Karen Scipio-Skinner

Discipline Committee

Chair: Cathy Boris-Hale

Member: Mamie Preston
Missy Moore
Dr. Simmy Randhawa
Vera Mayer

Staff: Felicia Stokes

**DISTRICT OF COLUMBIA BOARD OF NURSING
WEDNESDAY, MAY 7, 2014
OPEN SESSION AGENDA
9:30 AM – 11:30 AM**

CALL TO ORDER

The BON meeting was called to order by Cathy Borris-Hale, Chairperson 9:40 am

COMMENTS FROM THE PUBLIC

No comments

REPORT FROM EXECUTIVE DIRECTOR

ISSUE: Professional Midwife Bill

DISCUSSION: Legislation has be drafted the regulate Professional Midwives. It is proposes a Board of Medicine Advisory Committee with representation to include 2- professional midwives, 2-nurse midwives, an OB/GYN, a consumer.

DECISION: Refer to Education/Practice Committee for review and comment.

COIN REPORT

Participants:	16
Completed:	1
Referred to OAG:	1
Referred to Discipline Committee:	1

DISCIPLINE COMMITTEE REPORT:

Cathy Borris-Hale, Chairperson

Cases Closed- 1
Requests to Withdraw- 1
Revocation- 9

ISSUE: Positive Criminal Background Checks: Recent and repeated offenses

RECOMMEND: Establish a policy which will allow staff to take action.

PRIORITY I

Priority I: Disciplinary actions decided by BON staff.
Cases where there is no harm to patient or flagrant HORA violation
Consent order issued without review by BON.

These cases will only be forwarded to the BON for review if staff recommends a disciplinary action which is beyond the specified disciplinary action range for BON staff.

Cases not reported to National Practitioner's Data Bank.

OFFENSE

ACTION

<p>29. Has been convicted of any crime involving moral turpitude, if the offense bears directly on the fitness of the individual to be licensed/certified: (HORA)</p> <p>29A. Applicant for licensure/certification with charges of repeated acts of theft, violence or drugs, within the past 7 (seven) years or currently on probation</p>	<p>29. Request withdrawal of application, if applicant refuses, request issuance of NOI.</p> <p>Applicant may reapply when they are able to comply with the seven (7) year requirement or within one year, whichever is longest and must complete a CBC with no indication of additional arrests/convictions</p>
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VOTE: APPROVED- UNANIMOUS

ISSUES TO BE DISCUSSED

ISSUE: Home Health Aide Exam update
DISCUSSION: HHA Exam anticipated to be offered in July
Persons completing HHA program will have the option of taking the Exam

Process for HHA applicants taking the Examination:

Letters will be sent to all current HHA applicants notifying them that the exam has been compromised and that they have the option to take the exam beginning in May or the HHA exam beginning in July. The applicant will be notified that if they fail the exam one time, they will still be allowed to take the HHA exam 3Xs.

If interested in taking the exam the applicant signs a letter acknowledging that they are willfully taking the exam in lieu of the HHA exam and acknowledging that they are aware that there will be some differences in content taught. Once we receive the signed letter the applicant will then be contacted to schedule the exam.

Pearson VUE will send us the results of the exam. Persons passing will be certified. Person failing will be listed as pending exam.

Beginning in July, PV will contact persons failing the examination to schedule them to take the HHA exam.

All other HHA applicants will apply directly to PV.

REGULATION SUBCOMMITTEE REPORT

ISSUE: Update on NAP regulations

ISSUE: RN/LPN regulations,
Review and approve

5401 LICENSURE

5401.1 No person shall practice as a RN/LPN in the District of Columbia without first being licensed by the Board of Nursing (Board). This shall not apply to nurses licensed in other jurisdictions who:

- (a) Provides advice, consultation or case management services electronically, in writing and personally to District residents for no greater than thirty (30) days; and
- (b) With the exception of the provision of direct patient, persons may consult, teach, or provide healthcare services in settings other than District of Columbia healthcare facilities to individuals or groups of individuals for brief periods of time not to exceed sixty (60) days.

5411 VOLUNTEER STATUS

5411.1 An RN may apply for a volunteer nurse license by providing:

- (a) Verification of licensure to practice nursing in any jurisdiction in the United States pursuant to the limitations provided by the volunteer nurse license
- (b) Has not committed any act that would constitute a violation under HORA; and
- (b) Submission of a complete application

5411.2 A nurse holding an expired license may apply for a volunteer nurse status for the purpose of completing a Board approved refresher course.

5411.3 The Board may deny a volunteer nurse license to any applicant who has committed, or who is under investigation or prosecution for, any act that would constitute a ground for disciplinary action under the Act

5411.4 A volunteer nurse shall comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations under the Act.

5411.5 A volunteer nurse receiving licensure from the board shall not:

- (a) Supervise other nurses; and
- (b) Receive monetary compensation.

5411.6 The volunteer nurse license shall be valid for two (2) years.

5411.7 The volunteer nurse license may be renewed if the applicant:

- (a) Continues to meet the eligibility requirements of this section;
- (b) Provides proof of twelve (12) contact hours of continuing education in compliance with § 5514 of this chapter.

5411.8 The volunteer nurse may apply for a non-restricted RN license if he or she practices as a volunteer nurse for may reapply pursuant to section 5414.

5414 REINSTATEMENT OF AN EXPIRED LICENSE

5414.1 An applicant for reinstatement of a license expired within five (5) years of the last renewal period shall:

- (a) Submit the completed application and documents required by the Board and pay the required fees;
- (b) Submit proof of having completed twenty four (24) hours of continuing education in the applicant's current area of practice in the two (2) years immediately preceding the application date; and
- (c) Meet any other requirements as required by the Board.

5414.2 An individual whose license has been expired, for five (5) years or more, may apply for licensure by re-entry pursuant to § 5409.

EDUCATION/PRACTICE SUBCOMMITTEE REPORT

ISSUE: Nursing Schools and Programs Regulations

DISCUSSION: Reviewed and approved following amendments

5604.3 The Board may determine the length of time to be allotted, not to exceed the following for each level program from the time conditional approval was granted to the correction of the deficiencies identified by the Board to bring the program into compliance with the requirements and standards of this chapter:

- (a) Not to exceed four (4) years for BSN program,
- (b) Not to exceed three (3) years for AD program, or
- (c) Not to exceed two (2) years for PN program

5604.5 The first year that the licensure pass rate for first time test takers is less than 80%, but at least 75%:

- (a) The Board will send written notice to the program that the program has failed to meet the requirements and standards of this chapter.
- (b) The Board or its designee may perform an announced or unannounced on-site visit to the facility and provide a report to the Board.
- (c) The program's nurse administrator shall submit a corrective plan of action to the Board, within sixty (60) calendar days, from receipt of the Board's written notice.

5604.6 The first year that the annual licensure or certification pass rate for first time test takers is less than seventy five percent (75%):

- (a) The Board will send written notice to the program of the following:
 - (1) The program has failed to meet the requirements and standards of this chapter;
 - (2) The program will be placed on conditional approval status for an allotted time pursuant to §5604.3; and

(3) The Board or its designee may perform an announced or unannounced on-site visit to the facility and provide a report to the Board.

5607.1 Administration and organization of the nursing education program shall be consistent with the laws governing the practice of nursing.

5607.2 The nursing education program shall be a part of an educational institution that has accreditation by a regional accrediting agency of the U.S. Department of Education by 2020.

5607.3 Upon eligibility for accreditation, the nursing education program shall pursue accreditation and provide evidence of current accreditation from a national nursing accrediting agency recognized by the U.S. Department of Education within twenty four months of eligibility.

5607.4 The nursing educational program shall be within a credit bearing educational institution.

5607.13 Faculty supervised clinical practice shall include:

- i. All student clinical experiences including those with preceptors;
- ii. Minimum of 650 clinical hours
- iii. Programs leading to the practical nurse shall include clinical hours in the following areas:
 1. Medical nursing;
 2. Psychiatric and mental health nursing;
 3. Pediatric nursing;
 4. Community or Home care; and
 5. Long-term care.
- iv. Programs leading to the registered nurse shall include clinical hours in the following areas:
 1. Foundations;
 2. Medical nursing;
 3. Surgical nursing;
 4. Maternal and newborn health;
 5. Pediatric nursing;
 6. Psychiatric and mental health nursing;
 7. Community health;
 8. Acute care; and
 9. Long-term care.

Dr. Joxel Garcia, Director, Department of Health

ISSUE: Dr. Garcia offered a presentation on MERSA

Dr. Rikin Mehta, Senior Deputy Director for HRLA

ISSUE: Dr. Mehta with the Board to share DOH/HRLA initiatives.

DISTRICT OF COLUMBIA BOARD OF NURSING

WEDNESDAY, MAY 7, 2014

OPEN SESSION AGENDA

2:00 PM

HEARING

William Folelac

Home Health Aide Applicant